

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE MOSES WILLIS,

Plaintiff,

Case No. CIV-04-2060 DFL GGH PS

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

On July 7, 2005, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiff filed objections on July 19, 2005, defendant Burns filed a reply to plaintiff's objections, and they were considered by the district judge.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are

1 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
2 1983).

3 The court has reviewed the applicable legal standards and, good cause appearing,
4 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

5 Accordingly, IT IS ORDERED that:

6 1. The Proposed Findings and Recommendations filed July 7, 2005, are
7 ADOPTED;


8 2. Plaintiff's claims against defendant Lazard and Burns are dismissed with
9 prejudice, without leave to amend;

10 3. Plaintiff's claims against the State are dismissed with prejudice, without leave
11 to amend;

12 4. Defendant's motion to dismiss the claims against defendant Fiddament is
13 granted with prejudice and without leave to amend; and

14 5. This action is closed.

15 DATED: 9/14/2005

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19 DAVID F. LEVI
20 United States District Judge
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